IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3489 OF 2004

Smt.Vijaya Prakash Londe .. Applicant.

Vs.

State of Maharashtra & Anr .. Respondents.

Mr.G.S.Gaikwad for the applicant.

Mr.A.S.Gadkari APP for the respondents.

CORAM : D.B.BHOSALE, J.

DATED : 26TH AUGUST, 2004

P.C.:

. Heard Mr.Gaikwad, learned counsel for the applicant and Mr.Gadkari, learned A.P.P. for the respondent.

2. This application is filed by the applicant under section 438 of Criminal Procedure Code in C.R.No.131/2004 registered at Yewat police station under sections 447, 389 read with 34 of Indian Penal Code. The offence has been registered against the applicant and her husband. They are involved in the quarry business. It is alleged that they excavated minor minerals from the lands

of adjoining owners. They are also alleged to have committed criminal trespass on the government land and excavated the minor minerals without paying the royalty. According to Mr.Gadkari, learned A.P.P. the government has sufferred a loss of Rs.1,90,550/- due to illegal excavation done by the applicant and her husband between 26.12.2002 to 13.7.2004. Mr.Gaikwad, learned counsel for the applicant, on instructions, states that the applicant is prepared to deposit Rs.50,000/- with the concerned department within four weeks from today without prejudice to the legal rights and contentions of the applicant and shall make appropriate representation to the concerned authority for redressal of their grievance. His statement is accepted. In so far as the custody of the applicant is concerned, in my opinion, that will not be necessary keeping in view the overall facts and circumstances of the case and the nature of allegations against her. It appears that the applicant has two minor children and her husband is also in custody in connection with some other offences committed by him. Keeping this in view I am passing the following order:

. The applicant is directed to be enlarged on

bail, in the event of her arrest, in C.R.No.131 of 2004 registered at Yewat police station on her furnishing a personal bond of Rs.25,000/- with one or two sureties of the like amount to the satisfaction of the Station Officer of the concerned police station, subject to condition that she shall report the investigating officer for a period of 10 days between 10 am and 11 am for interrogation and thereafter on every Saturday between 10 am and 11 am until filing of chargesheet.

. While passing this order, I shall not be understood to have expressed any opinion on merits of the case. The trial court will deal with the case uninfluenced by the observations made in this order.

. The application is disposed of.

(D.B.Bhosale, J.)